IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO: 12410 of 2005

Between:

Md. Nayeemuddin, E-85915,

Conductor, Rajendranagar Depot,
R/o Rajendranagar, Ranga Reddy District

..... PETITIONER

AND

1 The APSRTC rep by Regional Manager

Ranga Reddy Region at JBS, Secunderabad
2 The APSRTC., rep by Divisional Manager (CRMR)

O/o the Divisional Manager, Koti, Hyderabad
3 The APSRTC., rep by its Depot manager Rajendranagar,

Ranga Reddy District District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents herein in imposing the punishment of deferment of annual increment for a period of 18 months with cumulative effect without holding any departmental enquiry vide Proc. No. 02/(42)/97-RJNR, dt.19-9-2000, which was confirmed by the 2nd respondent herein vide proc, No. PA/19(137)/2000-DVM (CRMR), Hyderabad, dt.30-11-2000, as illegal, unjust, contrary to well established principles of law and as such liable to be set a side by further directing the

respondents to re-fix the pay of the petitioner by adding the deferred increment w.e.f.19-9-2000 and as to pay the arrears forthwith.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD, Standing Counsel for APSRTC.

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the imposition of punishment of deferment of increment for a period of 18 months with cumulative effect.

2 . According to the petitioner, the said punishment, which is a major punishment, was imposed without conducting a regular enquiry, therefore, sought for setting aside the said impugned order which was confirmed by the appellate authority on 30-11-2000.

3 . Heard the learned counsel for the petitioner and the learned Standing Counsel.

4. Prima-facie, the impugned order cannot be sustained in view of the fact that with holding of the increment with cumulative effect as the same is major penalty and the same cannot be imposed without conducting any enquiry in view of the judgment of the Apex Court in **Kulwant Singh Gill v. State of Punjab** and on that simple ground the impugned order is set aside. However, it is open to the respondent-organization to take appropriate action, if it so chooses, with reference to the charges basing on which the punishment was imposed. As the petitioner has approached this Court nearly after five years, he is not entitled for back wages on account of the setting aside of the impugned order.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

14th June, 2005

SKM

To

1 The Regional Manager, APSRTC,

Ranga Reddy Region at JBS, Secunderabad
2 The Divisional Manager (CRMR), APSRTC,

O/o the Divisional Manager, Koti, Hyderabad
3 The Depot Manager, APSRTC, Rajendranagar,

Ranga Reddy District District

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